CANADIAN HUMAN RIGHTS COMMISSION

Departmental Performance Report

2011 – 12

The Honourable Rob Nicholson, P.C., M.P.
Minister of Justice and Attorney General of Canada

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Message from the Acting Chief Commissioner

The *Canadian Human Rights Act* plays an important role in ensuring that everyone in Canada has equal opportunity "to make for themselves the lives that they are able and wish to have," free from discrimination.

Under the Act, which is quasi-constitutional, Canadians are protected from discrimination and can access a fair and effective complaints resolution process to raise allegations of discrimination.

As of June 2011, the repeal of section 67 of the Act came into full effect following a three-year transition. People governed by the *Indian Act* are now able to avail themselves of the protections of federal human rights law when they suffer discrimination as a result of actions or decisions by the federal government, or their own First Nations governments.

In support of this historic change, the Canadian Human Rights Commission (Commission) made assisting First Nations communities in building their capacity to address human rights issues a priority. We developed and distributed tools to help Aboriginal communities deal with discrimination issues. We developed policy to help ensure that First Nations traditions and customary laws are respected. We also worked to inform the public about this important change to the Act.

At the same time, we continued our work with federally regulated organizations, ensuring they had access to the most up-to-date tools and information. The priority here is to assist them not just in meeting, but in surpassing the legislative requirements of the *Employment Equity Act* and the *Canadian Human Rights Act*. We launched the Human Rights Maturity Model, a framework that provides employers and organizations with tools to create self-sustaining human rights cultures in their workplaces.

It is our hope that the two priorities of the past year will help offset the growing number of complaints coming to the Commission. There are many challenges ahead, but I am confident that our dedicated and professional staff is up to the job.

David Langtry
Acting Chief Commissioner
Canadian Human Rights Commission

Organizational Overview

Raison d'être

The Canadian Human Rights Commission's (Commission) founding legislation inspires a vision for Canada in which "all individuals should have an opportunity equal with other individuals to make for themselves the lives that they are able and wish to have," free from discrimination.

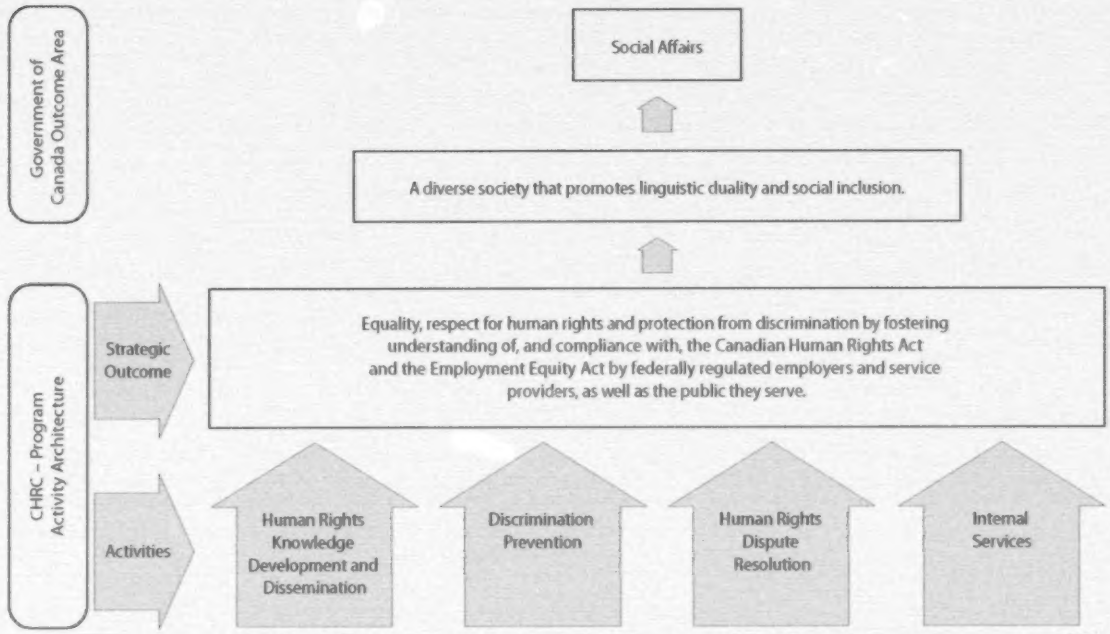
The Commission leads the administration of the *Canadian Human Rights Act* (CHRA) and ensures compliance with the *Employment Equity Act* (EEA). The CHRA prohibits discrimination on the grounds of race, national or ethnic origin, colour, religion, age, sex, sexual orientation, marital status, family status, disability and conviction for which a pardon has been granted. It provides a fair, accessible and effective complaints resolution mechanism whereby Canadians can raise allegations of discrimination. The EEA promotes equality in the workplace for four designated groups: women, Aboriginal people, persons with disabilities, and members of visible minorities.

Responsibilities

The Commission develops and disseminates regulations, policies and knowledge; initiatives to prevent discrimination; and dispute resolution services to help address inquiries and complaints. It works with employers, service providers, individuals, unions, governmental and non-governmental organizations, and provincial/territorial and international human rights bodies to foster understanding and a commitment to achieving a society that respects human rights in everyday practice.

The Commission is responsible for developing and implementing information programs to foster public understanding of the CHRA and of the role and activities of the Commission. The Commission also undertakes and sponsors research programs related to its duties and functions under the CHRA. The Commission receives and processes human rights complaints. Throughout this process, the Commission encourages settlements by providing opportunities for dialogue and mediation. Under the EEA, the Commission audits federally regulated employers to ensure that they are providing equal opportunities for employment.

Strategic Outcome and Program Activity Architecture (PAA)


Government of Canada Outcome Area
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CHRC – Program Activity Architecture
Strategic Outcome
Equality, respect for human rights and protection from discrimination by fostering understanding of, and compliance with, the Canadian Human Rights Act and the Employment Equity Act by federally regulated employers and service providers, as well as the public they serve.
Activities
Human Rights Knowledge Development and Dissemination
Discrimination Prevention
Human Rights Dispute Resolution
Internal Services

Organizational Priorities

In 2011–12, the Commission continued raising awareness and understanding of the CHRA and the EEA. Specifically, the Commission focussed its efforts on two main priorities: increasing the capacity of First Nations to address human rights issues within their own communities; and helping federally regulated organizations develop self-sustaining human rights cultures.

The Commission's various efforts towards these two goals, such as the development and dissemination of tools, are outlined in the following summaries of the two 2011–12 strategic priorities.

Summary of Progress Against Priorities

Priority	Type[1]	Strategic Outcome
1) Increased capacity of First Nations to address human rights issues within their own communities	Previous commitment	Equality, respect for human rights and protection from discrimination

1.1 Developing policy guidance for applying the interpretive provision of the CHRA to complaints received after June 2011

During the early months of 2011–12, Commission staff developed policy guidance on how to apply the interpretive provision, now part of the CHRA, to the Commission's complaint process. Operational staff were provided training on applying the provision. Commission members and prevention staff were trained in September 2011 and October 2011. The Commission also held dialogue sessions about the interpretive provision with stakeholders at the Women's World conference in July 2011, the Indigenous Bar Association annual meeting in October 2011, and at the "Our Way" legal conference in March 2012.

1.2 Developing and disseminating tools to assist First Nations and Aboriginal communities to prevent, manage and resolve discrimination issues

In June 2011, the Commission published its *Human Rights Handbook for First Nations*, developed at the suggestion of and with input from First Nations stakeholders. This knowledge product complements *Your Guide to Understanding the CHRA*, released by the Commission in 2010. The 2011 Handbook is geared towards leaders, managers and administrators in First Nations communities. It is intended to help them understand how human rights laws work, how they can respond to a complaint, how to prevent discrimination and how to deal with disputes at a community level. Copies of the 2011 Handbook were delivered to every First Nation in Canada, and the release was promoted at a webinar held in collaboration with the Assembly of First Nations in July 2011. The 2011 Handbook has been broadly disseminated at events such as the annual meetings of the Assembly of First Nations, the Indigenous Bar Association, the Aboriginal Financial Officers Association, and in many other regional dialogue or training sessions.

In 2011–12, the Commission also provided train-the-trainer workshops, other training sessions, and various presentations on the repeal of section 67 of the CHRA.

1.3 Facilitating the development of community-based frameworks to support dispute resolution processes

In September 2011, the Commission completed a research project undertaken with the Southern First Nations Secretariat in 2010. As a result, a number of First Nations have explored possible models for dispute resolution within their communities. The Commission also developed a number of suggested guiding principles for community-based processes. These guiding principles are outlined in the *Human Rights Handbook for First Nations*, and were discussed in the webinar with the Assembly of First Nations in July 2011.

The Commission also provided guidance on community-based processes to a number of participants from organizations, including the Federation of Saskatchewan Indian Nations, the Anishinabek Nation (formerly Union of Ontario Indians), the Yukon Council of First Nations, and l'Association des Premières Nations du Québec et du Labrador.

1.4 Undertaking knowledge development and dissemination work to identify and raise awareness of systemic issues facing First Nations and Aboriginal communities

Commission staff shared information about human rights issues with First Nations and other Aboriginal organizations, and took note of issues raised in those dialogue sessions. The feedback was helpful in identifying and confronting systemic human rights issues facing First Nations communities. One current issue is the equity of service levels for matters such as child welfare, special education, access to disability supports, and policing services on-reserve.

[1] Type is defined as follows: previously committed to—committed to in the first or second fiscal year prior to the subject year of the report; ongoing—committed to at least three fiscal years prior to the subject year of the report; and new—newly committed to in the reporting year of the Report on Plans and Priorities or the Departmental Performance Report.

Priority	Type[2]	Strategic Outcome
2) Federally regulated organizations demonstrate progress toward developing a self-sustaining human rights culture	Previous commitment	Equality, respect for human rights and protection from discrimination

2.1 Launch the Human Rights Maturity Model for use by federally regulated organizations

The Human Rights Maturity Model (HRMM) is a tool that helps organizations integrate the legislative requirements of the CHRA and EEA into their businesses. It also helps them foster self-sustaining human rights cultures, going above and beyond legislative requirements. Organizations that implement the HRMM are encouraged to review their human resource functions (e.g. accommodation, employment equity, labour relations) in relation to human rights issues.

During 2011–12, 14 federally regulated organizations registered for the HRMM. They have since established internal HRMM steering teams and have begun self-assessments. Six of those organizations, including the Canadian Human Rights Commission, have also completed a pilot-testing exercise.

2.2 Develop and disseminate tools to assist employers and service providers in developing a human rights culture

The Commission released other tools in 2011–12 to support the HRMM, including an implementation guide and a set of fact sheets. The implementation guide helps organizations meet their performance indicators and achieve the desired outcomes outlined in the HRMM.

The Commission also delivered 21 human rights training sessions to 263 participants from 137 organizations across Canada.

2.3 Identify and advance a systemic issue relevant to federally regulated employers and service providers.

Two Special Reports on systemic issues were prepared by the Commission and tabled in Parliament:

i)Now a Matter of Rights: Extending Full Human Rights Protection to First Nations, tabled June 16, 2011;
ii)Human Rights Accountability in National Security Practices, tabled November 28, 2011.

[2] Type is defined as follows: previously committed to—committed to in the first or second fiscal year prior to the subject year of the report; ongoing—committed to at least three fiscal years prior to the subject year of the report; and new—newly committed to in the reporting year of the Report on Plans and Priorities or the Departmental Performance Report.

Risk Analysis

The following risks were identified for the 2011–12 reporting period. Mitigation measures were developed to reduce their potential impact on the Commission's work in administering the CHRA and ensuring compliance with the EEA.

1) The risk that the Commission will not be able to meet increasing service demands and complaint volumes.

Over the past few years, the Commission has increased its efforts to raise awareness and understanding of the CHRA and the EEA. As awareness increases, more people bring their complaints to the Commission. In addition, the Commission receives more requests each year for speaking engagements, training sessions, and new products and publications. This year, to mitigate the risk of increasing complaint volumes and service demands, the Commission developed and delivered supportive tools and model policies to federally regulated organizations to help them deal with disputes on their own.

While these mitigation measures were effective, the Commission must continue to look for ways to improve its processes. It will be equally important to evaluate whether the Commission, as a whole, will be able to sustain its various program activities in light of competing demands on its limited resources. The Commission's objective is to increase the number of federally regulated organizations that have effective internal dispute resolution processes, and refer more complaints back to the source with confidence that they will be appropriately addressed. This is generally beneficial for all parties as it is more efficient and more effective. It also has the benefit of helping to lower the number of complaints received by the Commission, thereby helping reduce the strain on the Commission's overall resources.

2) The risk that the Commission's role and mandate is not being clearly understood by all Canadians.

In 2011–12, senior officials met with the editorial boards of major newspapers to clarify the role of the Commission in administering the CHRA. These efforts, along with other proactive media activities, led to numerous stories in print, on radio and on national television. In addition, the Commission contributed opinion pieces to select national newspapers to help raise awareness and offer the Commission's position on specific human rights issues.

The Commission expanded and strengthened its relationships with external stakeholders such as Aboriginal peoples, persons with disabilities, employers and human rights institutions. The Commission developed key submissions and publications, including two submissions[3] to the United Nations as well as new tools on accommodation and anti-harassment.

Through collaboration, consultation and information sharing, the Commission can continue to advance its own strategic priorities while improving overall awareness of its role in Canadian human rights.

[3] Commission publications and products are listed in Section IV.

Summary of Performance

2011-12 Financial Resources ($ thousands)

Planned Spending	Total Authorities	Actual Spending
23,036	25,700	24,262

In 2011–12, the total authorities allocated to the Commission by Parliament were $25.7 million. Of this amount, $23 million was received through the Main Estimates and $2.7 million was received through Supplementary Estimates. The Supplementary Estimates included $0.9 million for the carry-forward of the previous operating budget and the reimbursement of $1.6 million for eligible pay list expenditures related to severance pay and parental benefits.

The Commission's actual spending in 2011–12 was $24.3 million, $1.4 million less than the total authorities. The savings were a result of $0.6 million less in salary expenses due to staffing delays and $0.8 million less in operational expenses to maximize the Commission's carry-forward, in order to assist with next year's budget shortages.

2011-12 Human Resources (full-time equivalents [FTEs])

Planned	Actual	Difference
210	195	15

The full-time equivalents (FTEs) referenced above are higher than planned levels previously reported. This increase is due to section 29.1(2)(a) of the *Financial Administration Act* (FAA), which came into effect June 26, 2011. The Commission now includes all respendable revenue and expenditures related to the delivery of internal support services to other federal government agencies.

The impact of the FAA change is an additional 8 FTEs for the Commission overall and reflected specifically within Internal Services. Internal support services are delivered subsequent to memoranda of understanding and include finance, information technology, procurement, compensation and other administrative services.

The number of planned FTEs reflects the Commission's allocation of total authorities for human resources. Actual FTEs represent 93% of planned FTEs at the Commission. The difference of 15 FTEs is primarily due to delays in staffing.

Summary of Performance Tables

Progress Toward Strategic Outcome

Strategic Outcome: Equality, respect for human rights and protection from discrimination by fostering understanding of, and compliance with, the *Canadian Human Rights Act* and the *Employment Equity Act* by federally regulated employers and service providers, as well as the public they serve.

Performance Indicators	Targets	2011-12 Performance
Percentage of Canadians who are informed about and protected by the CHRA and the EEA	Total number of Canadians exposed to information about and protected by the CHRA and the EEA through program activities.	Over 4 million Canadians representing close to 10%

In 2011–12, the Commission informed significant numbers of Canadians about the CHRA and the EEA through various program activities:

- Communication activities sparked hundreds of news-stories, interviews and editorials in mainstream media, including online, print, and broadcast, with a total estimated audience reach of over 4 million Canadians.
- The Commission had success in systemic litigation cases, such as pay equity and access to justice for First Nations children, resulting in significant numbers of Canadians being protected from discrimination.
- The Commission's employment equity audit program reached a potential audience of more than 110,000 Canadians from federally regulated organizations.
- Through its Discrimination Prevention Branch, the Commission provided 21 training sessions on basic human rights principles, the duty to accommodate, and anti-harassment to 263 participants from 137 organizations across Canada.
- Through its National Aboriginal Initiative, the Commission participated in 44 awareness-building and training events, directly reaching over 5,000 leaders and influencers from First Nations communities.
- 14 employers have registered with the Human Rights Maturity Model in the few months since its launch, with potential impact on 49,950 working Canadians.

Performance Summary, Excluding Internal Services ($ thousands)

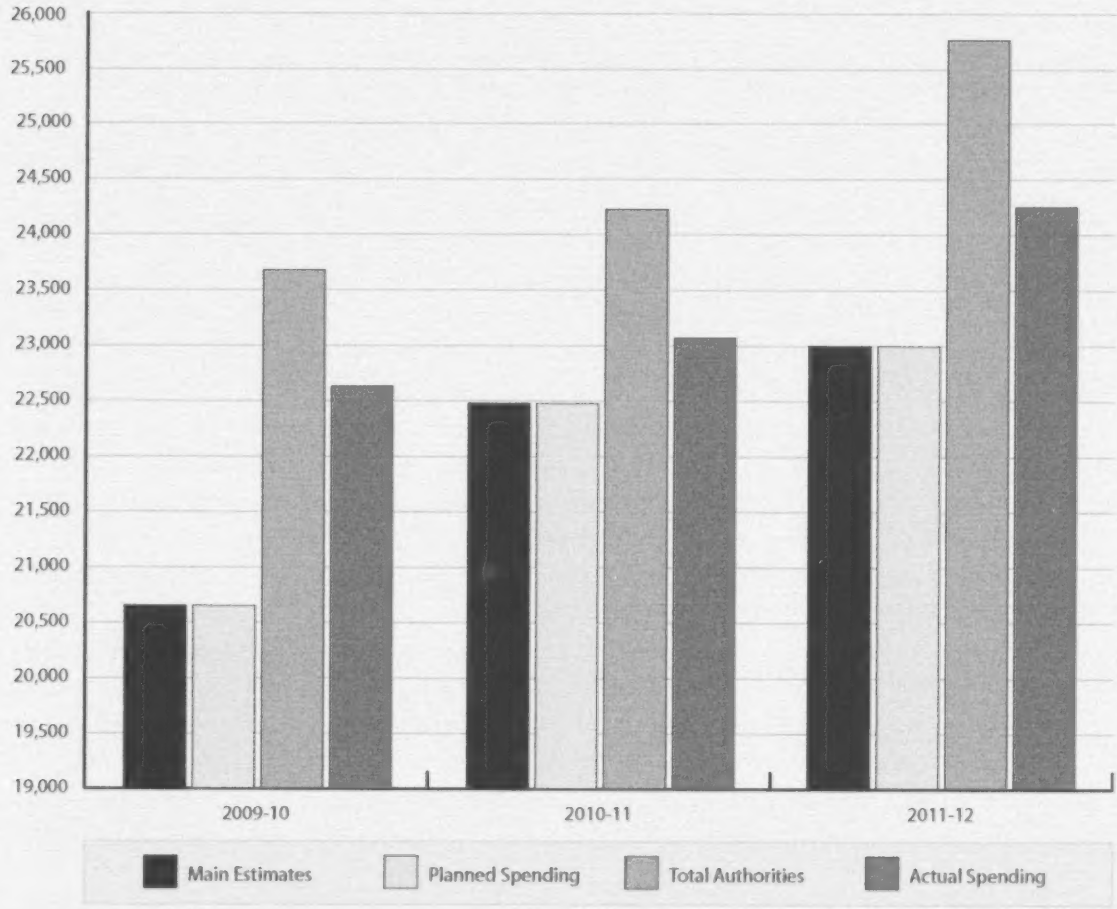
Program Activity	2010-11 Actual Spending	2011-12				Alignment to Government of Canada Outcome
		Main Estimates	Planned Spending	Total Authorities	Actual Spending	
Human Rights Knowledge Development and Dissemination Program	3,331	3,580	3,580	4,527	4,313	A diverse society that promotes linguistic duality and social inclusion.
Discrimination Prevention Program	4,987	4,531	4,531	4,871	4,555	A diverse society that promotes linguistic duality and social inclusion.
Human Rights Dispute Resolution Program	8,660	8,515	8,515	8,850	8,829	A diverse society that promotes linguistic duality and social inclusion.
TOTAL	16,978	16,626	16,626	18,248	17,697	

Performance Summary for Internal Services ($ thousands)

Program Activity	2010-11 Actual Spending	2011-12			
		Main Estimates	Planned Spending	Total Authorities	Actual Spending
Internal Services	6,089	6,410	6,410	7,452	6,565

Expenditure Profile

Spending Trends ($ thousands)



The increase of $3.0 million in 2009–10 and $1.7 million in 2010–11 between Main Estimates and Total Authorities was mainly due to temporary funding including the following:

- $0.4 million in 2009–10 and $0.8 million in 2010–11, attributable to the carry forward of the operating budget;
- $0.5 million in 2009–10 and $0.4 million in 2010–11, resulting from the reimbursement of eligible pay list expenditures for severance pay and parental benefits;
- $0.9 million in 2009–10 and $0.2 million in 2010–11, due to salary increases resulting from the collective bargaining agreements; and
- $0.7 million in 2009–10, related to funding received for the repeal of section 67 of the CHRA.

The increase of $1.8 million between 2009–10 and 2010–11 for the Main Estimates was mainly due to funding of $1 million for the repeal of section 67 of the CHRA and $0.8 million to cover salary increases generated by the signed collective bargaining agreements.

The increase in Total Authorities and Actual Spending between 2010–11 and 2011–12 was mainly due to the payment of $1.1 million for severance payments resulting from the new severance pay provisions in some collective agreements.

Estimates by Vote

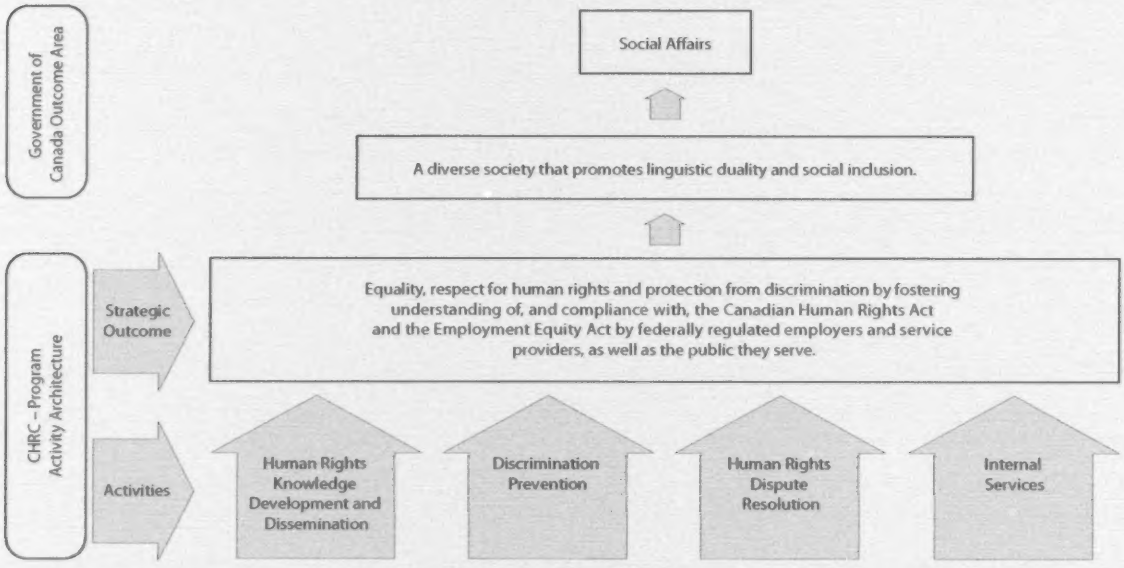
For information on the Commission's organizational Votes and/or statutory expenditures, please see the Public Accounts of Canada 2011 (Volume II). An electronic version of the Public Accounts 2011 is available on the Public Works and Government Services Canada's website[4].

[4] http://www.tpsgc-pwgsc.gc.ca/recgen/txt/72-eng.html

Analysis of Program Activities by Strategic Outcome

Strategic Outcome

The Canadian Human Rights Commission (Commission) works toward equality, respect for human rights and protection from discrimination by fostering understanding of, and compliance with, the *Canadian Human Rights Act* (CHRA) and the *Employment Equity Act* (EEA) by federally regulated employers and service providers, as well as the public they serve. All Canadians benefit when organizations are sensitive to human rights, respectful of differing needs, and are responsive to misunderstandings before they develop into discrimination complaints.


Government of Canada Outcome Area
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Activities
Human Rights Knowledge Development and Dissemination
Discrimination Prevention
Human Rights Dispute Resolution
Internal Services

Program Activity: Human Rights Knowledge Development and Dissemination Program

Program Activity Description

This program helps foster both an understanding of and compliance with the CHRA and the EEA. Knowledge development also ensures that programs, interventions and decisions are grounded in evidence and best practices. Knowledge products include research, policies, regulatory instruments and special reports. Information and/or advice are provided to the Commission itself, Parliament, federal departments and agencies, Crown corporations, federally regulated private sector organizations, and the public. Partnerships with other human rights commissions as well as governmental, non-governmental, research and international organizations are formed and maintained to leverage knowledge development and dissemination activities in areas of common interest.

2011-12 Financial Resources ($ thousands)

Planned Spending	Total Authorities	Actual Spending
3,580	4,527	4,313

2011-12 Human Resources (full-time equivalents FTEs)

Planned	Actual	Difference
27	30	(3)

Program Activity Performance Summary

Expected Results	Performance Indicators	Targets	Actual Results
Increased number of Canadians who are informed about human rights issues	Number of employers, service providers and other organizations that pick up and further disseminate Commission products	20% of Canadians working for the targeted audience of Commission products are made aware of their human rights	This figure is not known at this time; however, the Commission is implementing a new results-based approach to measuring knowledge transfer and dissemination.
	Number of products completed and disseminated	Three (3) products completed. Four (4) products disseminated	Completed seven (7) products, and disseminated nine (9)
	Number of visits to the Commission's website and subscribers for information updates	Over 1.5 million visits Over 2,250 subscribers	489,000 (estimated) visits 2,798 subscribers

Performance Summary and Analysis of Program Activity

Canadians benefit from the sharing of high-quality and easily accessible knowledge. In 2011–12, the Commission undertook knowledge-sharing activities in order to promote further understanding of the CHRA and EEA, and of human rights issues in Canada. Through the involvement of key stakeholders, the Commission developed various knowledge products and made them accessible to the broadest audience possible.

Last year, the Commission completed seven knowledge products, and disseminated nine. These included two submissions to United Nations committees in 2011–12: the first to the Committee on the Rights of the Child, and the second to the Committee on the Elimination of Racial Discrimination. Both reports focussed on the human rights of Aboriginal peoples in Canada. As well, in June 2011, the Commission published its *Human Rights Handbook for First Nations*[5]

Three previously completed publications were also distributed in 2011–12. *Pregnancy and Human Rights in the Workplace - A Guide for Employers* was distributed to First Nations communities and the trucking industry. The other two publications were two policy templates: one for developing a workplace accommodation policy, and the other for developing an anti-harassment policy. The templates targeted employers who lack the time or resources to create their own human rights policies. The Commission also completed the first of a series of equality data reports: *Report on Equality Rights of People with Disabilities*.

[5] Commission publications and products are listed in Section IV.

In June 2011, coinciding with the full repeal of section 67, the Commission issued a Special Report to Parliament, entitled *Now a Matter of Rights: Extending Full Human Rights Protection to First Nations*. The report summarizes the Commission's work with First Nations to raise awareness and increase their capacity to manage human rights issues. The report identifies a need for adequate resourcing of First Nations governments so they can meet their human rights obligations.

At the end of 2011–12, the Commission completed a survey that sampled awareness among First Nations organizations. The survey identified a 10.8% increase among those First Nations organizations in the level of awareness of human rights under the CHRA. The survey also provided information on how effective the Commission's knowledge products have been, and identified any gaps that should be addressed.

In a 2011 Special Report to Parliament, the Commission approached the issue of national security and human rights, in an effort to ensure that security measures do not discriminate against those they are designed to protect. In the report entitled *Human Rights Accountability in National Security Practices*, the Commission argues that governance and accountability frameworks are necessary to ensure that national security institutions report on how they consider human rights in their everyday operations, and that such frameworks are currently lacking. The Commission also collaborated with national security organizations to develop a guide entitled *The Human Rights Impact Assessment*. The guide is designed to help organizations ensure that security standards, policies, and practices are effective and respectful of human rights.

Lessons Learned

The work carried out by the Human Rights Knowledge Development and Dissemination Branch in 2011–12 reinforced the importance of working closely with individuals, communities and other institutions involved in human rights. While the principles behind early dispute resolution systems at the community or regional level are widely accepted, there are still challenges with respect to the training, capacity and resources required to put those principles into action.

The results of regional discussions with First Nations, as well as Commission research findings, have yielded lessons that helped prioritize the development of new publications. For example, a toolkit on the development of community-based dispute resolution processes is underway and expected to be released in fall 2012.

Program Activity: Discrimination Prevention Program

Program Activity Description

This program helps foster and sustain a human rights culture in federally regulated organizations by promoting continuous improvement of an organization's human rights competencies. Prevention initiatives, employment equity audits, learning programs and events are among the program's tools to promote discrimination prevention and achieve employment equity objectives. Stakeholder engagement involves federal departments and agencies, Crown corporations, private sector organizations, provincial and territorial government bodies, international agencies, unions and other non-governmental organizations.

2011-12 Financial Resources ($ thousands)

Planned Spending	Total Authorities	Actual Spending
4,531	4,871	4,555

2011-12 Human Resources (full-time equivalents FTEs)

Planned	Actual	Difference
41	34	7

Program Activity Description

Expected Results	Performance Indicators	Targets	Actual Results
Canadians work in and receive services from federally regulated organizations that embrace a human rights culture	Number of employees and number of clients of federally regulated organizations that have progressed in the Commission's Human Rights Maturity Model (HRMM)	75% of organizations implementing the Commission's HRMM have demonstrated progress	14 organizations have registered on the HRMM online application since the February 15, 2012 launch; additional time is required to demonstrate progress.
	Number of organizations that have been reviewed for appropriate and effective internal conflict resolution processes and deemed appropriate by the Commission for referral under sections 41(1)(a) and (b) of the CHRA Number of employers, service providers and other organizations that have implemented human rights policies	100% of organizations that have had a complaint filed against them for the first time 20% of organizations implementing the Commission's HRMM have human rights policies in place	A review of referrals to alternate redress dealt from 2006-2010 confirmed that in 100% of cases, the Commission made the referral only where it was satisfied that appropriate and effective internal conflict resolution mechanisms were in place. Organizations have not had sufficient time to complete their self-assessments since the launch of the HRMM application on February 15, 2012.
	Number of human rights international standards and obligations that are implemented in Canada	One (1)	*Two (2)
Designated employment equity groups are appropriately represented in federally regulated organizations	Percentage-point gap between representation and availability in designated employment equity groups	0.2 percentage-point gap reduction within five (5) years (4.2 percentage-point gap in 2008)	Pending results of the 2011 National Household Survey (Statistics Canada)
		40 audit reports	50 audit reports

* In 2011-12, the Commission was actively involved in promoting the implementation of the *United Nations Convention on the Rights of Persons with Disabilities*, which Canada ratified in March 2010. In 2011-12, the Commission was also actively involved in implementing the principles of the *United Nations Declaration on the Rights of Indigenous Peoples*, which Canada endorsed in November 2010.

Performance Summary and Analysis of Program Activity

The *Employment Equity Act* (EEA) helps ensure that among federally regulated employees, equal employment opportunity is afforded to four designated groups of people: women, Aboriginal peoples, persons with disabilities, and members of visible minorities. The Commission works with over 600 federally regulated employers to ensure compliance with the EEA.

In 2011–12, the Commission's Discrimination Prevention Branch completed 50 employment equity audits with employers who were less successful in achieving employment equity in the workplace. The branch also issued 52 status reports to more successful employers to acknowledge their success, and identify challenges. This two-pronged approach allowed the Commission to double the impact of its employment equity work. In all cases, the Commission considered the employer's environmental context, and provided incentives for them to move beyond their basic legislative requirements on employment equity. The Commission also encouraged the continuous improvement of employment equity in workplaces in order to further improve the human rights cultures of federally regulated organizations.

The Discrimination Prevention Branch launched the Human Rights Maturity Model (HRMM) in 2011–12. The HRMM is a framework designed to help organizations create and sustain workplace cultures based on equality, dignity and respect. The HRMM helps organizations integrate their legislative requirements under the CHRA and EEA into their own policies and practices. It provides tools that can help bring meaningful change to Canada's workplaces. It is adaptable to organizations of all sizes. Consistent with the Red Tape Reduction Commission's recommendations, the HRMM provides guidance to federally regulated employers on how to meet their legislative requirements, while easing their reporting burden. The HRMM also offers a roadmap to help employers achieve a more inclusive, respectful and productive workforce.

Over the past year, 14 federally regulated organizations registered online for the HRMM, established internal HRMM steering teams and began self-assessments. Six of those organizations, including the Canadian Human Rights Commission, had also completed the HRMM pilot-testing exercise. During the pilot-testing, the organizations were led through a process that assisted them in documenting and reporting on how human rights are integrated into daily workplace practices. Organizations that participated in the pilot agreed that the HRMM helped them be more proactive in preventing discrimination. Based upon feedback, revisions were made to the HRMM Implementation Guide and supporting tools.

The Commission also developed an interactive, web-based HRMM self-assessment tool. Employers can input specific information about their workplace, and then self-assess their level of human rights competencies by reviewing their current practices. The online tool identifies gaps in organizations' current policies or processes and then offers an action plan to help them make improvements and track their progress.

Along with the development and launch of the HRMM, the Discrimination Prevention Branch helped the Commission strengthen human rights capacity in First Nation communities in 2011–12. The branch provided train-the-trainer workshops, other training sessions, and various presentations on the repeal of section 67 of the CHRA. A complete list of activities can be found under Section IV of this report.

Lessons Learned

Consultation with participating organizations in 2011–12 allowed the Commission to observe the kinds of challenges or delays organizations may face when trying to implement the HRMM. For example, without firm commitment from their leadership, organizations may not be able to generate valid and reliable self-assessments. As a result, more time may be required than originally anticipated to implement the HRMM. In such circumstances, it is more efficient to wait for leadership commitment before implementation.

Program Activity: Human Rights Dispute Resolution Program

Program Activity Description

This program addresses discrimination by dealing with individual and systemic complaints and issues brought by individuals or groups of individuals against federally regulated employers and service providers. The Commission exercises its discretion in choosing the most appropriate dispute resolution method including investigation, mediation and conciliation. The Commission also serves as a screening body in determining whether further inquiry is warranted, participates in all pre-tribunal mediations and represents the public interest in appearing before the Canadian Human Rights Tribunal.

2011-12 Financial Resources ($ thousands)

Planned Spending	Total Authorities	Actual Spending
8,515	8,850	8,829

2011-12 Human Resources (full-time equivalents FTEs)

Planned	Actual	Difference
75	68	7

Program Activity Performance Summary

Expected Results	Performance Indicators	Targets	Actual Results
Canadians are protected from individual and systemic human rights discrimination	Number of systemic issues (received or addressed)	Two (2) systemic issues	14
	Number of potential and accepted complaints resolved (settled) by the Commission	35% resolved	30% resolved
	Number of complaints that were referred to the Tribunal by the Commission that lead to a remedy	20 complaints	35 complaints
Complaints are dealt with where they originate	Percentage of individual complaints that were referred to another process and were dealt with	70% of all complaints referred	89% referred
Complaints processed (and brought to an end)	Number of potential and accepted complaints processed	1:1 ratio	1.1:1

Performance Summary and Analysis of Program Activity

The Commission deals with a multitude of complaints in any given year, many of them with systemic allegations. Throughout 2011–12, the Commission's Dispute Resolution Branch continued to progress towards its ultimate goals of protecting people in Canada from both individual and systemic discrimination, and encouraging the resolution of complaints at the source.

Over the past year, 35 complaints referred to the Canadian Human Rights Tribunal led to a remedy either through a pre-tribunal settlement or a tribunal decision. Of those, 14 included systemic remedies. In one case, the systemic remedy involved the creation of a committee that will provide ongoing advice regarding universal accessibility of new construction projects in the National Capital Region for persons with disabilities.

Thirty percent of disputes were settled in 2011–12. Many of these settlements included systemic remedies. This is an improvement from last year, and represents progress towards the Commission's target. As indicated in the 2009-10 DPR, resources were diverted from the early resolution process to deal with the increase in cases. In an effort to increase the percentage of complaints resolved, the Commission will be introducing an enhanced early resolution process in 2012–13.

The Dispute Resolution Branch continued its practice of referring complaints to alternative redress processes outside of the Commission wherever they were available and appropriate. This helped organizations deal with disputes closest to where they originate. Eighty-nine percent (89%) of complaints referred to alternative processes were resolved in 2011–12.

The Commission's target ratio of how many incoming complaints versus how many processed complaints was nearly met. The target ratio came out as 1.1 to 1. This means that for every complaint processed, the Commission received 1.1 new complaints. The Commission found this to be a good result considering that the level of resources allocated to dealing with complaints went unchanged despite the significant increase (17%) in new complaints over the past year. This increase in new complaints can be attributed, for the most part, to the full repeal of section 67 in June 2011, which allowed Aboriginal peoples to file complaints on matters under the *Indian Act* that were previously shielded.

In 2011–12, the Commission's legal team represented the public interest in a number of cases to clarify and further define a contemporary understanding of human rights law in Canada. In one, the Commission made submissions to the Supreme Court of Canada that Canada's international commitments call for an interpretation of domestic human rights laws that provide persons with disabilities with substantively equal access to services provided to others. In another matter before the Supreme Court of Canada, the Commission argued that human rights commissions with gatekeeping functions have jurisdiction to make discretionary decisions about whether complaints concerning allegedly discriminatory legislation should be referred for adjudication on their merits.

The Commission successfully argued before the Federal Court, in a precedent-setting case, that the Canadian Human Rights Tribunal had interpreted the provisions of the CHRA too narrowly, effectively prohibiting First Nations from filing complaints that allege discriminatory provision of services by the federal government. The Commission was also successful in the landmark pay equity case between Public Service Alliance of Canada and Canada Post in which a complaint of wage discrimination by a group of predominantly female postal employees was upheld by the Supreme Court of Canada, following many years of litigation.

Lessons Learned

This past year, the Commission's Dispute Resolution Branch continued to improve the efficiency and effectiveness of its complaint handling processes. Despite these improvements, caseloads continue to rise. This is due to many factors, particularly, as already mentioned, the full repeal of section 67 of the CHRA in June 2011.

The Commission will continue to look for ways to improve its complaint handling process, building on lessons learned in 2011–12. But it will be equally important to evaluate whether the Commission, as a whole, will be able to sustain its various program activities in light of competing demands on its limited resources. If changes are necessary, a Commission-wide strategic change management approach will be required.

Program Activity: Internal Services

Program Activity Description

Internal Services are groups of related activities and resources that are administered to support the needs of programs and other corporate obligations of an organization. These groups are: Management and Oversight Services; Communications Services; Corporate Legal Services; Human Resources Management Services; Financial Management Services; Information Management Services; Information Technology Services; Real Property Services; Materiel Services; Acquisition Services; and Travel and Other Administrative Services. Internal Services include only those activities and resources that apply across the organization and not to those provided specifically to a program.

2011-12 Financial Resources ($ thousands)

Planned Spending	Total Authorities	Actual Spending
6,410	7,452	6,565

2011-12 Human Resources (full-time equivalents FTEs)

Planned	Actual	Difference
67	63	4

The full-time equivalents (FTEs) referenced above are higher than planned levels previously reported. This increase is due to section 29.1(2)(a) of the *Financial Administration Act* (FAA), which came into effect June 26, 2011. The impact of the FAA change is an additional 8 FTEs. Internal support services are delivered subsequent to memoranda of understanding and include finance, information technology, procurement, compensation and other administrative services.

Performance Summary and Analysis of Program Activity

In 2011–12, the Commission's Internal Services adopted a single approach to assessing the impact and likelihood of risks for the entire Commission. The Corporate Management Branch piloted the approach, using several Internal Services processes such as aging information technology, departmental security assessments and high-risk expenditures. The new approach can be applied to program activity requirements and resource decisions.

In addition, through its strategic planning process, the Commission improved internal sharing of financial and non-financial performance information.

Lessons Learned

It is the responsibility of Internal Services to help ensure that the Commission's Strategic Outcome is measurable, and reported in a clear and accessible manner for all Canadians.

Taking into account the lessons learned in 2011–12, Internal Services is redefining its performance management methodologies. The goal is to have internal processes that are more clearly and precisely defined in order to better report on the specific qualitative and quantitative results of the Commission's work.

SUPPLEMENTARY INFORMATION

Electronic supplementary information tables listed in the 2011–12 Departmental Performance Report can be found on the Canadian Human Rights Commission's website.[6]

Financial Highlights

Condensed Statement of Financial Position (Unaudited)

as at March 31

($ thousands)	change %	2012	2011 Restated*
Total liabilities	-28%	**4,456**	6,208
Total net financial assets	-2%	**1,741**	1,776
Net debt	-39%	**2,715**	4,432
Total non-financial assets	-13%	**939**	1,077
Net financial position	-47%	**(1,776)**	(3,355)

*The 2010–11 Financial Statement has been restated due to the adoption of the revised *Treasury Board Accounting Standard 1.2: Departmental and Agency Financial Statements*. Comparative figures have also been reclassified to conform to the current year's presentation.

The decrease of $1.8 million in liabilities at year-end is attributable to the decreased value of severance benefits, as a result of payments made following the new severance pay provisions in some collective agreements.

The net financial assets at year-end did not change significantly compared to the previous fiscal year.

The decrease of $0.1 million in the total non-financial assets at year-end was due to the decreased net value of tangible capital assets, given that amortization expenses exceeded the purchase of new acquisitions.

The net financial position shows a negative balance of $1.776 million. This amount represents estimated liabilities such as employee severance benefits and accumulated vacation leave, for which funding will be made available from the Consolidated Revenue Fund at a later date.

[6] http://www.chrc-ccdp.gc.ca/publications/reports_rapports-eng.aspx#dpr

Condensed Statement of Operations and Net Financial Position (Unaudited)

For the year ended March 31

($ thousands)	change %	2012	2011 Restated*
Total expenses	-1%	27,366	27,540
Total revenues	3%	884	855
Net cost of operations before government funding	-1%	26,482	26,685
Net financial position	-47%	**(1,776)**	(3,355)

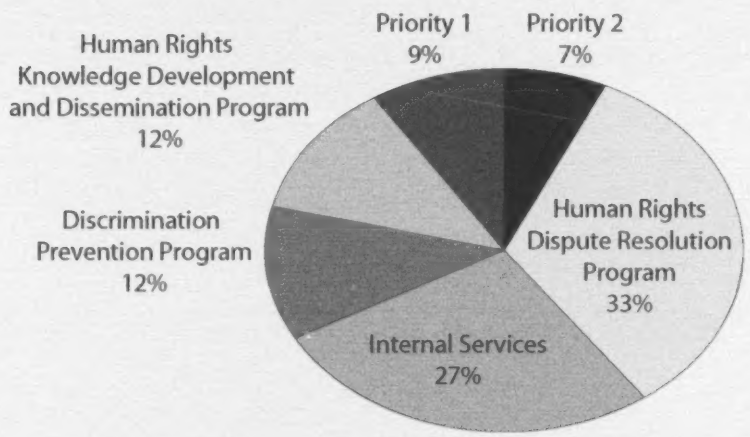
* The 2010–11 Financial Statement has been restated due to the adoption of the revised *Treasury Board Accounting Standard 1.2: Departmental and Agency Financial Statements*. Comparative figures have also been reclassified to conform to the current year's presentation.

The net cost of operations before government funding at year-end did not change significantly compared to the previous fiscal year.

Financial Highlights Charts and Graphs

The following chart demonstrates the total expenses for the Commission by program activity, including the Commission's priorities for 2011–12:

- Priority 1 was to increase the capacity of First Nations to address human rights issues with their own communities;
- Priority 2 was for federally regulated organizations to demonstrate progress toward developing a self-sustaining human rights culture.



Financial Statements

The Commission's Financial Statements for the reporting period can be viewed on the Commission's website at:
http://www.chrc-ccdp.gc.ca/publications/dpr-rsr/2011-2012/fs_ef-eng.aspx.

List of Supplementary Information Tables

1. Greening Government Operations
2. Internal Audits and Evaluations
3. Sources of Respendable Revenue
4. User Fees Reporting

SECTION IV

Other Items of Interest

Knowledge Products and Activities

The Commission produced seven (7) new knowledge products and disseminated nine (9).

- Now a Matter of Rights: Extending Full Human Rights Protection to First Nations
  http://www.chrc-ccdp.ca/pdf/nmr_eqd-eng.pdf
- Human Rights Accountability in National Security Practices
  http://www.chrc-ccdp.ca/pdf/chrc-specialreport-28112011.pdf
- Submission to the Committee on the Rights of the Child
  http://www.chrc-ccdp.ca/pdf/rightsofthechild_droitdelenfant-eng.pdf
- Submission to the Committee on the Elimination of Racial Discrimination
  http://www2.ohchr.org/English/bodies/cerd/docs/ngos/CHRC_Canada80.pdf
- Human Rights Handbook for First Nations
  http://doyouknowyourrights.ca/nai-ina/pdf/fn_handbook.pdf
- AFN-CHRC Webcast: Panel discussion on Recent Changes to the Canadian Human Rights Act that affect First nations
  http://www.doyouknowyourrights.ca/nai-ina/services/new-eng.aspx?id=661
- Report on Equality Rights of People with Disabilities[7]
  http://www.chrc-ccdp.gc.ca/pdf/reports/rerpd_rdepad-eng.pdf
- Template on Accommodation[8]
  http://www.chrc-ccdp.gc.ca/pdf/accommodation.doc
- Template on Anti-Harassment[9]
  http://www.chrc-ccdp.ca/pdf/anti-harassment.doc
- Pregnancy and Human Rights in the Workplace[10]
  http://www.chrc-ccdp.gc.ca/pdf/pregnancy_policy.pdf

[7] Developed only

[8] Disseminated only

[9] Disseminated only

[10] Disseminated only

Prevention Initiatives

The Prevention Initiatives and Liaison Division of the Discrimination Prevention Branch completed diverse initiatives with federally regulated employers in 2011-12, including:

- Development and release of the Human Rights Maturity Model, which included: consultations; pilot testing; development of tools; and marketing and outreach initiatives.
- Response to inquiries and requests from employers and service providers on various human rights issues, including the following topics:
    - Accommodation;
    - Return-to-work;
    - Family related requests;
    - Disabilities;
    - Harassment in the workplace;
    - Medical information and privacy;
    - Transgender;
    - Drug and alcohol testing; and
    - Bona Fide Occupational Requirements.
- Training opportunities through presentations and workshops. The sessions were tailored to meet employers' specific organizational interests such as the duty to accommodate, anti-harassment, core concepts in human rights, and religion in the workplace. Presentations and workshops were offered primarily to Aboriginal community groups as part of the National Aboriginal Initiative.

The following charts summarize the initiatives described above:

Key Subject Area Initiative	#	%
Maturity Model (includes 25 awareness sessions)	47	36
Stakeholder Outreach (includes MOU signatory initiatives)	32	25
Training and Presentations	27	21
Inquiries and Consultations	24	18
TOTAL	**130**	**100**

Objective of the Initiative	#	%
Self Sustaining Human Rights Culture	79	60
Inclusiveness of Human Rights Policies & Practices	20	15
Aboriginal Capacity Building	15	12
Complaint Reduction	10	8
Training and Presentations	6	5
TOTAL	**130**	**100**

Complaints Volume

The Commission screens discrimination complaints from anyone who works for, or receives services from, the federal government or federally regulated organizations such as banks, transportation and telecommunications companies. In 2011, the Commission:

- received 1,914 potential complaints;
- accepted 910 complaints;
- referred 167 complaints to alternate redress;
- approved 209 settlements;
- dismissed 174 complaints; and
- referred 129 complaints to the Canadian Human Rights Tribunal for further examination.

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